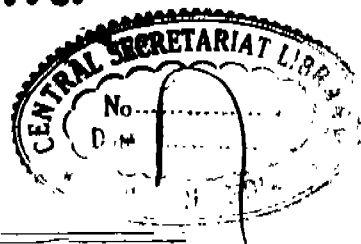


भारत का राजपत्र The Gazette of India

असाधारण
EXTRAORDINARY
भाग II—खण्ड 2
PART II—Section 2
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY



सं० 29] नई दिल्ली, शुक्रवार, अप्रैल 27, 1979/वशाख 7, 1901
No. 29]. NEW DELHI, FRIDAY, APRIL 27, 1979/VAISAKHA 7, 1901

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 27th April, 1979:—

BILL No. XIII OF 1979

A Bill to provide for the protection of country fishing boats from the competition of motor boats and trawlers.

WHEREAS it is expedient to protect the country fishing boats from incurring enormous losses due to the competition of the motor boats and trawlers:

BE it enacted by Parliament in the Thirtieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Country Fishing Boats Protection Act, 1979.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government, may by notification in the Official Gazette, appoint.

2. In this Act, unless the context other-wise requires,—

(a) "country boat" means a boat which is used without a motor or any mechanical appliance;

(b) "Government" means the Central Government;

(c) "motor boat" means a boat which runs by the power of a motor;

(d) "prescribed" means prescribed by rules made under this Act;

Short
title
extent
and
com-
mence-
ment.
Defini-
tions.

(e) "trawler" is a kind of vessel which travels with the help of mechanised equipment.

Area
limits
for
fishing.

3. (1) A country fishing boat shall not fish beyond 5 Kms. from the Sea shore.

(2) A motor boat shall fish only between 5 Kms. and 10 Kms. from the sea shore and shall not fish within 5 Kms. from the shore.

(3) A trawler shall not fish within 10 Kms. from the sea shore.

Appoint-
ment of
authority.

4. The Government shall appoint an authority to enforce the provisions of section 3.

Punish-
ment.

5. If any country boat or motor boat or trawler contravenes the provisions of section 3, the owners thereof shall be punished in such manner as may be prescribed.

Power to
make
rules.

6. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(2) Every rule made by the Central Government under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in Session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule, or both Houses agree that rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The country fishing boats are encountering great difficulty since motor boats and trawlers are fishing very near to the shore. Motor boats and trawlers, as they are mechanised, are efficient, quick in movement and, therefore, they catch hold of the fish quickly.

The Government gave guidelines forbidding the above boats from fishing within 5 Kms. from the shore but they are flouting these guidelines. They are thus inflicting a great loss on the country fishing boats.

There is much agitation from those who own country fishing boats. They have to be protected from the mechanised boats and trawlers. There must be a statute to implement the guidelines given by the Government.

Hence the Bill.

VITHAL GADGIL.

FINANCIAL MEMORANDUM

Clause 4 of the Bill requires the appointment of an enforcing authority. Therefore, the Bill, if enacted, is likely to involve a preliminary non-recurring expenditure of only one or two lakhs of rupees.

A recurring expenditure of about two lakhs of rupees for the staff is also likely to be involved from the consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Government to make rules for carrying out the purposes of this Act. Such rules will be confined to matters of procedure and administration.

The delegation of legislative power is, therefore, of a normal character.

II

BILL NO. XI OF 1979

A Bill to provide for the establishment of a permanent Bench of the High Court at Bombay at Aurangabad

BE it enacted by Parliament in the Thirtieth Year of the Republic of India as follows:—

Short
title.

1. This Act may be called the High Court at Bombay (Establishment of a Permanent Bench at Aurangabad) Act, 1979.

Establish-
ment of a
Permanent
bench of
High court
at Bombay
at Auran-
gabad.

2. There shall be established a permanent bench of the High Court at Bombay at Aurangabad, and such Judges of the High Court at Bombay, being not less than three in number, as the Chief Justice of that High Court may, from time to time nominate, shall sit at Aurangabad in order to exercise the jurisdiction and power for the time being vested in that High Court in respect of cases arising in the districts of Aurangabad, Nanded, Osmanabad, Bhir and Parbhani.

STATEMENT OF OBJECTS AND REASONS

Maharashtra has the largest population among the States of the Indian Republic. There is need for locating a bench of the High Court at Bombay in the Marathwada area of the State in the interest of administration of speedy and cheap justice and convenience of the litigant public. The Bill provides for the establishment of such a Bench.

VITHAL GADGIL.

III

BILL No. XII OF 1979

A Bill further to amend the Indian Fisheries Act, 1897

BE it enacted by Parliament in the Thirtieth Year of the Republic of India as follows:—

Short
title and
Commencement.

1. (1) This Act may be called the Indian Fisheries (Amendment) Act, 1979.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of
Section 3.

2. In section 3 of the Indian Fisheries Act, 1897 (hereinafter referred to as the principal Act) after clause (2) the following clause shall be inserted, namely:—

Act No.
of 1897.

“2(a) ‘mechanised fishing’ means fishing by a boat fitted with an inboard engine;”.

Amendment of
section 4.

3. In section 4 of the principal Act,—

(a) for the existing marginal heading the following marginal heading shall be substituted, namely:—

“Destruction of fish by explosives and mechanised fishing in inland waters and on coasts.”

(b) After sub-section (1) the following sub-section shall be inserted, namely:—

(1A) "If any person resorts to mechanised fishing in any water to catch or destroy any of the fish therein, he shall be punishable with a fine which may extend to rupees five thousand only, or with confiscation of nets and boats or with both."

(c) for sub-section (2), the following sub-section shall be inserted, namely:—

"(2) In sub-sections (1) and (1A), the word "water" includes the sea within a distance of 20 kms. of the sea-coast, creeks, rivers, canals, streams or any other water course where fishing is possible; and an offence committed under those sub-sections in such water shall be tried, punished, and in all respects dealt with, as if it had been committed on the land abutting on such water."

4. In section 5 of the principal Act, in sub-section (1), for the words "extend to two months, or with fine which may extend to two hundred rupees", the words "extend to six months, or with fine which may extend to two thousand rupees or with both." shall be substituted. Amend-
ment of
Section 5.

5. In section 6 of the principal Act, in sub-section (5) (a), for the words "one hundred" the words "two thousand" shall be substituted and for the word "ten" the words "two hundred" shall be substituted. Amend-
ment of
Section 6.

6. In section 7 of the principal Act, in sub-section (1), after clause (b), the following clause shall be inserted, namely:— Amend-
ment of
Section 7.

"(c) If the person in charge of the mechanised boat refuses to cease forthwith the fishing operation on being directed to do so."

STATEMENT OF OBJECTS AND REASONS

1. The purpose of this Amendment is two-fold:

Firstly, to render socio-economic protection to the traditional fishermen community numbering about 6.5 million, living in over 1800 villages along the entire 5650 kms. coast-line of our country, who earn their livelihood with country-boats and nets, but whose survival is now threatened by the intrusion of mechanised boats into their centuries-old traditional fishing-grounds in the inshore coastal and inland waters.

Secondly, to protect the delicate fish ecology and fish breeding-grounds, which are generally located in the warm nutrient rich shallow coastal waters, from reckless mechanised fishing which causes killing of fish eggs, alarming depletion of fish resources, disastrous decline in daily fish catch, rendering lakhs of poor fishermen impoverished.

2. The Planning Commission, in accordance with the recommendations of the National Commission of Agriculture, has directed that firm steps be taken to prevent mechanised boats from fishing near the shores and necessary punitive laws be passed and a protective force provided. These steps are considered necessary to prevent decline of fish stock, cutting of nets by mechanised boats and consequent economic crisis for the poorer classes, who are pursuing their centuries-old, traditional, rural-based occupation.

3. The Bill seeks to achieve the above object.

VITHAL GADGIL.

S. S. BHALERAO,
Secretary-General.